

FIRST REGULAR SESSION

# HOUSE BILL NO. 964

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CARNAHAN, COPENHAVER, JOHNSON (61), BERKOWITZ, BOYKINS, BARRY, SHOEMYER, RELFORD, HILGEMANN (Co-sponsors), FARNEN, MONACO, SHIELDS, HOHULIN, MILLER, WILLIAMS, FRASER, MERIDETH, BEHNEN, WIGGINS, GAMBARO, SEIGFREID, FORD, WILSON (42), BLAND, CURLS AND BYRD.

Read 1<sup>st</sup> time March 13, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2136L.03I

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### AN ACT

To repeal sections 701.322, 701.326 and 701.328, RSMo 2000, relating to lead poisoning, and to enact in lieu thereof ten new sections relating to the same subject.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 701.322, 701.326 and 701.328, RSMo 2000, are repealed and ten  
2 new sections enacted in lieu thereof, to be known as sections 376.1290, 701.322, 701.326,  
3 701.328, 701.340, 701.342, 701.344, 701.346, 701.348 and 701.349, to read as follows:

**376.1290. 1. Each entity offering individual and group health insurance policies  
2 providing coverage on an expense-incurred basis, individual and group service or  
3 indemnity type contracts issued by a health services corporation, individual and group  
4 service contracts issued by a health maintenance organization, all self-insured group  
5 arrangements, to the extent not preempted by federal law, and all managed health care  
6 delivery entities of any type or description that are delivered, issued for delivery, continued  
7 or renewed in this state on or after January 1, 2002, shall offer coverage for testing  
8 pregnant women for lead poisoning and for all testing for lead poisoning authorized by  
9 sections 701.340 to 701.349, RSMo, or by rule of the department of health promulgated  
10 pursuant to sections 701.340 to 701.349, RSMo.**

**11 2. Health care services required by this section shall not be subject to any greater  
12 deductible or co-payment than any other health care service provided by the policy,  
13 contract or plan.**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14           **3. No entity enumerated in subsection 1 of this section shall reduce or eliminate**  
15 **coverage as a result of the requirements of this section.**

16           **4. Nothing in this section shall apply to accident-only, specified disease, hospital**  
17 **indemnity, Medicare supplement, long-term care or other limited benefit health insurance**  
18 **policies.**

          701.322. Upon request of a physician, health care facility or third-party insurer, the  
2 department may provide laboratory services for tests related to contagious or infectious diseases.  
3 The department may conduct laboratory testing of blood specimens for lead content on behalf  
4 of a physician, hospital, clinic, free clinic, municipality or private organization which cannot  
5 secure or provide such services through other sources. The department of health may charge a  
6 fee for laboratory services rendered [under] **pursuant to** this section. [Such] **Fees for tests**  
7 **related to contagious or infectious diseases** shall be deposited in a separate account in the  
8 Missouri public health services fund, created in section 192.900, RSMo, and funds in such  
9 account shall be used to provide laboratory testing services by the department.  
10 **Fees for laboratory testing of blood specimens for lead content shall be deposited in the**  
11 **childhood lead testing fund created in section 701.348, RSMo.**

          701.326. 1. The department of health shall establish and maintain a lead poisoning  
2 information reporting system which shall include a record of lead poisoning cases which occur  
3 in Missouri along with the information concerning these cases which is deemed necessary and  
4 appropriate to conduct comprehensive epidemiologic studies of lead poisoning in this state and  
5 to evaluate the appropriateness of lead abatement programs.

6           2. The director of the department of health shall promulgate rules and regulations  
7 specifying the level of lead poisoning which shall be reported and any accompanying information  
8 to be reported in each case. Such information [may] **shall** include the patient's name, **full**  
9 **residence** address, **and** diagnosis, **including the blood lead level. Such information may**  
10 **include** pathological findings, the stage of the disease, environmental and known occupational  
11 factors, method of treatment and other relevant data from medical histories. Reports of lead  
12 poisoning shall be filed with the director of the department of health within a period of time  
13 specified by the director. The department shall prescribe the form and manner in which the  
14 information shall be reported.

15           3. The attending health care professional of any patient with lead poisoning shall provide  
16 to the department of health the information required pursuant to this section.

17           **4. When a case of lead poisoning is reported to the director, the director shall**  
18 **inform such local boards of health, public health agencies, and other persons and**  
19 **organizations as the director deems necessary; provided that, the name of any child**  
20 **contracting lead poisoning shall not be included unless the director determines that such**

21 **inclusion is necessary to protect the health and well-being of the affected individual.**

22 **5. The director shall require all health care professionals or health care**  
23 **organizations required to report blood tests which are positive for lead poisoning pursuant**  
24 **to sections 701.300 to 701.349 or rules promulgated thereunder to submit a monthly report**  
25 **of all blood tests performed which are negative for lead poisoning. The department shall**  
26 **prescribe by rule the form and manner in which the information shall be reported.**

701.328. 1. The department of health shall protect the identity of the patient and  
2 physician involved in the reporting required by sections 701.318 to [701.330] **701.349**. Such  
3 identity shall not be revealed except that the identity of the patient shall be released only upon  
4 written consent of the patient. The identity of the physician shall be released only upon written  
5 consent of the physician.

6 2. The department may release without consent any information obtained pursuant to  
7 sections 701.318 to [701.330] **701.349**, including the identities of certain patients or physicians,  
8 when the information is necessary for the performance of duties by public employees within, or  
9 the legally designated agents of, any state or local agency, department or political subdivision,  
10 but only when such employees and agents need to know such information to perform their public  
11 duties.

12 3. The department shall use or publish reports based upon materials reported pursuant  
13 to sections 701.318 to [701.330] **701.349** to advance research, education, treatment and lead  
14 abatement. **The department shall geographically index the data from lead testing reports**  
15 **to determine the location of areas of relatively high incidence of lead poisoning.** The  
16 department shall provide qualified researchers with data from the reported information upon the  
17 researcher's compliance with appropriate conditions as provided by rule and upon payment of  
18 a fee to cover the cost of processing the data.

**701.340. 1. Beginning January 1, 2002, the department of health shall implement**  
2 **a childhood lead testing program which requires every child less than six years of age to**  
3 **be tested for lead poisoning in accordance with the provisions of sections 701.340 to**  
4 **701.349. In coordination with the department of health, every health care facility serving**  
5 **children less than six years of age, including but not limited to hospitals and clinics licensed**  
6 **pursuant to chapter 197, RSMo, shall take appropriate steps to ensure that their patients**  
7 **receive such lead poisoning testing.**

8 **2. The test for lead poisoning shall consist of a blood sample that shall be sent to**  
9 **a state-licensed laboratory for analysis. The department of health shall, by rule, determine**  
10 **the blood test protocol to be used.**

11 **3. Any child less than six years of age who is not deemed high risk pursuant to**  
12 **section 701.342 shall be tested once at the age of twelve months and once at two years of**

13 age. Any child that is not tested at twelve and twenty-four months of age shall be tested  
14 at least twice before the child's sixth birthday. Any child at least five years of age but less  
15 than six years of age who has not been tested pursuant to this section shall be tested once  
16 before the child's sixth birthday.

17 4. Nothing in sections 701.340 to 701.349 shall be construed to require a child to  
18 undergo lead testing whose parent or guardian objects to the testing in a written statement  
19 that states the parent's or guardian's reason for refusing such testing.

201.342. 1. The department of health shall, using factors established by the  
2 department, identify geographic areas in the state that are at high risk for lead poisoning.  
3 All children six months of age through six years of age who reside or spend more than ten  
4 hours a week in an area identified as high risk by the department shall be tested annually  
5 for lead poisoning. Any child who tests positive for lead poisoning shall receive follow-up  
6 testing, in accordance with guidelines and criteria set forth by the American Academy of  
7 Pediatrics, at the priority intervals and using the methods specified in such guidelines.

8 2. The department of health, in coordination with the department of social services  
9 and the department of elementary and secondary education, shall develop and provide  
10 questionnaires for every child not identified in subsection 1 of this section to be assessed  
11 within six months of birth and at least once a year thereafter until the child is six years of  
12 age to determine whether such child is at high risk for lead poisoning. The questionnaire  
13 shall follow the recommendations of the Centers for Disease Control and Prevention. The  
14 department may modify the questionnaire to broaden the scope of the high-risk category.  
15 Local boards or commissions of health may add questions to the questionnaire.

16 3. If the questionnaire indicates an increased risk of lead poisoning, the child shall  
17 be deemed to be at high risk for lead poisoning.

18 4. Any child deemed to be at high risk for lead poisoning pursuant to this section  
19 who resides in housing not undergoing renovation or who meets any additional criteria set  
20 by local boards of health shall be tested:

21 (1) At least once every six months between the ages of six months and three years;  
22 and

23 (2) Annually between the ages of three years and six years.

24 5. Any child deemed to be at high risk for lead poisoning pursuant to this section  
25 who resides in housing currently undergoing renovations shall be tested at least once every  
26 three months during the renovation and once after the completion of the renovation.

27 6. The department may promulgate rules to identify pregnant women who may be  
28 at high risk for exposure to lead poisoning, to provide such women with educational  
29 materials about the dangers of lead poisoning, to develop a questionnaire to be used to

30 **determine whether pregnant women are at high risk for lead poisoning, and to direct**  
31 **physicians to recommend testing and make testing available to pregnant women who are**  
32 **deemed to be at high risk.**

33 **7. Any laboratory providing test results for lead poisoning pursuant to sections**  
34 **701.340 to 701.349 shall notify the department of any child who tests positive for lead**  
35 **poisoning and shall, by rule, establish the methods and intervals of follow-up treatment for**  
36 **such children.**

37 **8. When the department is notified of a case of lead poisoning pursuant to**  
38 **subsection 7 of this section, the department shall require the testing of all other children**  
39 **less than six years of age, and any other children or persons at risk, as determined by the**  
40 **director, who are residing or have recently resided in the household of the lead poisoned**  
41 **child.**

**701.344. The department of health shall have the following duties regarding the**  
2 **childhood lead testing program:**

3 **(1) By January 1, 2002, the department shall develop an educational mailing to be**  
4 **sent to every physician licensed by and practicing in this state informing such physician**  
5 **of the childhood lead testing program and the responsibilities of physicians pursuant to**  
6 **such program;**

7 **(2) The department shall apply for, take all steps necessary to qualify for and**  
8 **accept any federal funds made available or allotted pursuant to any federal act or program**  
9 **for state lead poisoning prevention programs. Any moneys received pursuant to this**  
10 **subdivision shall be deposited in the childhood lead testing fund;**

11 **(3) The department shall convene a task force to investigate the imposition of a fee**  
12 **on entities manufacturing products containing lead. Within three months of the effective**  
13 **date of sections 701.340 to 701.349, the task force shall report its recommendations to the**  
14 **director of the department of health. Such fees shall be limited to the amount deemed**  
15 **necessary by the director of the department of health for implementation of sections**  
16 **701.340 to 701.349. Fees collected pursuant to this subdivision shall be deposited in the**  
17 **childhood lead testing fund;**

18 **(4) The director of the department of health or the director's designee may, subject**  
19 **to appropriations, contract with a public agency or a university, or collaborate with any**  
20 **agencies, individuals or groups to provide necessary services, develop educational**  
21 **programs, scientific research and organization, and interpret data from lead testing**  
22 **reports;**

23 **(5) Beginning January 1, 2003, and every January first thereafter, the department**  
24 **of health shall submit a report evaluating the extent of physician compliance with sections**

25 701.340 to 701.349 to the following committees of the Missouri legislature: senate  
26 appropriations committee, senate public health and welfare committee, house  
27 appropriations - health and mental health committee and house public health committee.

701.346. 1. Every child care facility, as defined in section 210.201, RSMo, and every  
2 child care facility affiliated with a school system, a business organization or a nonprofit  
3 organization shall, within thirty days of enrolling a child, require the child's parent or  
4 guardian to provide evidence of lead poisoning testing in the form of a statement from the  
5 health care professional that administered the test. If there is no evidence of testing, the  
6 person in charge of the facility shall provide the parent or guardian with information  
7 about lead poisoning and locations in the area where the child can be tested. When a  
8 parent or guardian cannot obtain such testing, the person in charge of the facility may  
9 arrange for the child to be tested by a local health officer with the consent of the child's  
10 parent or guardian. At the beginning of each year of enrollment in such facility, the parent  
11 or guardian shall provide proof of testing in accordance with the provisions of sections  
12 701.340 to 701.349 and any rules promulgated thereunder.

13 2. No child shall be denied access to education or child care because of failure to  
14 comply with the provisions of sections 701.340 to 701.349.

701.348. 1. There is hereby created in the state treasury the "Childhood Lead  
2 Fund". The state treasurer shall deposit to the credit of the fund all moneys which may  
3 be appropriated to it by the general assembly and also any gifts, contributions, grants,  
4 bequests or other aid received from federal, private or other sources related to lead testing,  
5 education and screening. The general assembly may appropriate moneys to the fund for  
6 the support of the childhood lead testing program established in sections 701.340 to  
7 701.349. The moneys in the fund shall be used to fund the administration of childhood lead  
8 programs, including but not limited to funding for the administration of blood tests to  
9 uninsured children, educational materials and analysis of lead blood test reports and case  
10 management.

11 2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys  
12 in the fund shall not revert to the credit of the general revenue fund at the end of the  
13 biennium.

701.349. The department of health shall promulgate rules to implement the  
2 provisions of sections 701.340 to 701.349. No rule or portion of a rule promulgated under  
3 the authority of sections 701.340 to 701.349 shall become effective unless it has been  
4 promulgated pursuant to chapter 536, RSMo.